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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,161	10/11/2001	J. Kevyn Smith	194-27668-US	9119

24923 7590 01/06/2004
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EXAMINER

BARTH, VINCENT P

ART UNIT PAPER NUMBER

2877

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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099 75161 APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

On or about 4 December 2003 (i.e. following the second Notice of Allowance PTO-37 dated 23 September 2003), the Examiner received a copy of a single reference, Shupe, et al., U.S. 3,945,439 (23 Mar. 1976) from the filing staff at the USPTO, but which did not have an Information Disclosure Statement PTO-1449 attached. The Examiner checked the other two Information Disclosure Statements which had already been reviewed and initialed prior to allowance, however, the Shupe reference did not appear in either listing of references. Accordingly, the Examiner concluded that perhaps another IDS containing the Shupe reference had not been reviewed prior to allowance, and that counsel for Applicants should be contacted to determine whether this was indeed the case. On 4 December 2003, Examiner Barth telephoned Attorney Tyler to enquire into whether there might be an unsigned IDS with the Shupe reference in Counsel's file. Attorney Tyler reviewed his file, and determined that a third IDS containing the Shupe reference was indeed unsigned, thus bearing out the supposition that said IDS had never been reviewed. Attorney Tyler indicated that the IDS containing the previously unreviewed references would be submitted forthwith.

On 30 December 2003, Examiner Barth received a copy of the third IDS entitled "Supplemental Information Disclosure Statement", which is stamped by OIPE with the date 29 May 2003. Due to the file stamp from OIPE, the Examiner finds that the Supplemental IDS was received in the USPTO prior to the mailing of both the first and second Notices of Allowance, but was lost within the Patent Office, thus having never reached the Examiner. Therefore, Applicants are entitled to a substantive review of the references listed on said IDS.

Accordingly, the Examiner has reviewed all of the references contained in the Supplemental IDS dated 29 May 2003, and finds that none of the references affect the patentability of the instant Application. A copy of the signed IDS is attached hereto.

Richard A. Rosenberger
Primary Examiner


**SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**
(Use several sheets if necessary)

ATTY. DOCKET NO.

194-27668-US

SERIAL NO.

09/975,161

APPLICANT

J. Kevyn Smith et al.

FILING DATE

October 11, 2001

GROUP / CONFIRMATION

2877 / 9119

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
N.B.	AA	3,945,439	03/23/76	Shupe et al.	166	308	12/20/74
N.B.	AB	4,916,317	04/10/90	Gabriel et al.	250	341	10/06/88
N.B.	AC	5,396,325	03/07/95	Carome et al.	356	128	02/22/93
	AD						
	AE						
	AF						
	AG						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBL. DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO	
N.B.	AH	WO91/03728	21.03.91	WIPO			X	
N.B.	AI	WO01/29370 A1	26.04.01	WIPO			X	
	AJ							

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages of Publication, Etc.)

AK	
AL	
AM	

EXAMINER

DATE CONSIDERED

30 Dec. 2003

*EXAMINER:

Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next comment to applicant

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